



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

BARRIER FREE DESIGN BOARD

Ottawa Building, Upper Level, Conference Room #2
611 West Ottawa Street
Lansing, Michigan 48933

APPROVED 07/20/2017

MINUTES – OPEN SESSION

May 18, 2017

9:30 a.m.

MEMBERS PRESENT

Mr. Jason Turkish, Chairperson
Mr. Vincent DeLeonardis
Mr. Michael Harris
Mr. Christopher MacKay
Mr. Greg Pollock
Ms. Jamie Spore
Mr. Michael Winkler

MEMBERS ABSENT

Mr. Aaron Besmer
Mr. Ronald Campbell

DEPARTMENT PERSONNEL ATTENDING

Mr. Keith Lambert, Director, BCC
Mr. Stanley Skopek, Chief, Permits and Plan Review Division, BCC
Ms. Tracie Pack, Department Analyst, Administrative Services Division, BCC
Ms. Sara Leiby, Secretary, Administrative Services Division, BCC

1. CALL TO ORDER AND DETERMINATION OF QUORUM

Chairperson Turkish called the meeting to order at 9:39 a.m. A quorum was present at that time.

2. APPROVAL OF AGENDA

A **MOTION** was made by Board Member Turkish and **SECONDED** by Board Member Spore to move item #8 New Business below item #3 Approval of Minutes and items #4-5 Closed Session/End Closed Session below item #10 Public Comment on the Agenda. Agenda approved as amended. **MOTION CARRIED.**

3. APPROVAL OF MINUTES

A **MOTION** was made by Board Member Pollock and **SECONDED** by Board Member MacKay to approve the minutes for the March 16, 2017 meeting. **MOTION CARRIED.**

4. NEW BUSINESS

A. Federal Accessible Design Enforcement Presentation

Ms. Susan DeClercq, Civil Rights Unit Chief of U.S. Attorney's Office – Eastern District of Michigan, provided a presentation on the U.S. Department of Justice Enforcement of the Americans with Disabilities Act (ADA).

5. EXCEPTION APPLICATIONS

A. PR2017BFD-000002, Island Books & Crafts – Sault Ste. Marie

Ms. Kelli Jarvi-Townsend's exception application for Island Books & Crafts was presented to the Board for relief from the requirements of Sections 3411 Accessibility for Existing Buildings, 3411.4 Change of occupancy, 3411.7 Alterations affecting an area containing a primary function, 1105.1 Public entrances and 1109.2 Toilet and bathing facilities of the 2012 Michigan Building Code (MBC).

Mr. Skopek reviewed the exception application with the Board and explained that the interior ramp does not comply as a ramp per Section 1010 Ramps of the 2012 MBC.

Following discussion, the Board determined their authority is only over the accessibility portion of the application and requested the Bureau to follow-up on the non-compliant ramp.

A **MOTION** was made by Board Member Winkler and **SECONDED** by Board Member Spore to approve the accessibility portion of Ms. Jarvi-Townsend's exception application as submitted. **MOTION CARRIED.**

B. PR2017BFD-000004, Stonecrest – Rochester Hills

Mr. Jed Momot's exception application for Stonecrest of Rochester Hills was presented to the Board for relief from the requirements of Section 608.4.2 Standard Roll-in Showers of the 2009 ICC/ANSI A117.1. Mr. Momot requested to implement the ADA standards for accessible design from the 2010 Department of Justice Standards: Title II and III, Section 608.5.2 Standard Roll-In Type Shower Compartments in lieu of the requirement.

Following discussion, a **MOTION** was made by Board Member Winkler and **SECONDED** by Board Member Spore to approve Mr. Momot's exception application as submitted. **MOTION CARRIED.**

C. PR2017BFD-000005, Gracious Grounds – Grand Haven

Ms. Sandra Baker's exception application for Gracious Grounds was presented to the Board for relief from the requirements of Section 1104.4 Multilevel buildings and facilities of the 2012 MBC. Ms. Baker was present for the review.

Following discussion, a **MOTION** was made by Board Member Spore and **SECONDED** by Board Member Harris to approve Ms. Baker's exception application due to code exception and compelling need based on site and economic limitations. **MOTION CARRIED.**

D. PR2017BFD-000008, Club Pilates – Ann Arbor

Mr. Ryan Schultz's exception application for Club Pilates was presented to the Board for relief from the requirements of Section 410.7 Alterations affecting an area containing a primary function of the 2012 Michigan Rehabilitation Code for Existing Buildings (MRCEB). Mr. Schultz, Versa Development Builder, Mr. Stephen Estey, Dykema Gossett PLLC, and Mr. Brian Colburn, Norr, LLC Project Manager, were present for the review.

Following discussion, a **MOTION** was made by Board Member Winkler and **SECONDED** by Board Member Spore to approve Mr. Schultz's exception application for providing accessible route to the second floor due to compelling need based on site and economic limitations. **MOTION CARRIED.**

E. PR2017BFD-000009, Allendale Nursing and Rehabilitation Center – Allendale

Mr. Dodd Kattman's exception application for Allendale Nursing and Rehabilitation Center was presented to the Board for relief from the requirements of Sections 604.2 Location, 604.5.1 Fixed Side Wall Grab Bars, and 604.5.2 Rear Wall Grab Bars of the 2009 ICC/ANSI A117.1. Mr. Kattman's representative was present for the review.

Following discussion, a **MOTION** was made by Board Member Harris and **SECONDED** by Board Member Spore to approve Mr. Kattman's exception application for the location of the water closet, and side and rear wall grab bars in the accessible sleeping unit toilet rooms, for this wing only, due to compelling need based on technological limitations sited. **MOTION CARRIED.**

F. PR2017BFD-000010, Future Mercantile Tenant – Ann Arbor

Mr. Steve Dykstra's exception application for Future Mercantile Tenant was presented to the Board for relief from the requirements of Section 1104.4 Multilevel buildings and facilities of the 2012 MBC. Mr. Dykstra was present for the review.

Following discussion, a **MOTION** was made by Board Member DeLeonardis and **SECONDED** by Board Member Harris to approve Mr. Dykstra's exception

application for barrier free interior vertical access based on the accommodations included with the application and compelling need based on site and economic limitations. **MOTION CARRIED.**

6. UNFINISHED BUSINESS

A. 111873, Grande Trunke Home – South Lyon

Ms. Susan Stowe's exception application for Grande Trunke Home and supplemental materials were presented to the Board for relief from the requirements of Section 1105.1 Public entrances of the 2012 MBC. Ms. Stowe and Mr. Kenneth Pike, City of South Lyon Building Official, were present for the review.

Ms. Stowe no longer requests barrier free design rule exception for the restroom portion of her application. The restroom will be built in compliance with the ADA.

Following discussion, the Board requested the following supplemental materials: a deed to determine property line/ownership of platform, a detailed bid of work and costs of alternative interior ramping, dimensions of slope elevation at end of ramp where the first level tapers, and width of platform.

A **MOTION** was made by Board Member Pollock and **SECONDED** by Board Member Harris to postpone Ms. Stowe's exception application for Grande Trunke Home to allow time for the applicant to provide supplemental material for her application. **MOTION CARRIED.**

B. Nomination and Election of Officers

A **MOTION** was made by Board Member DeLeonardis and **SECONDED** by Board Member Winkler to nominate Michael Harris as Vice Chairperson. **MOTION CARRIED.**

A **MOTION** was made by Board Member Pollock and **SECONDED** by Board Member DeLeonardis to nominate Jason Turkish as Chairperson. **MOTION CARRIED.**

7. BUREAU REPORT

None

8. PUBLIC COMMENT

None

9. CLOSED SESSION – DISCUSSION WITH COUNSEL ON LITIGATION

At 12:25 p.m., a **MOTION** was made by Board Member MacKay and **SECONDED** by Board Member Spore to adjourn to close session for the purpose of discussing

pending litigation with counsel. (Aye: DeLeonardis, Harris, MacKay, Pollock, Spore, Turkish, Winkler; No: None) **MOTION CARRIED UNANIMOUSLY.**

10. END CLOSED SESSION

The Board came back into Open Session at 12:47 p.m.

11. 2017 MEETING DATES

The Board is scheduled to meet at 9:30 a.m. at 611 W. Ottawa, Lansing, MI 48933 in Upper Level Conference Room #2 on July 20, 2017, September 14, 2017 and November 16, 2017.

A **MOTION** was made by Board Member MacKay and **SECONDED** by Board Member Harris to reopen public comment. **MOTION CARRIED.**

Mr. Steve Lomske, Architect, commented that he spoke with Ms. Stowe following review of her exception application and provided proposal of alternative ramping.

12. ADJOURNMENT

A **MOTION** was made by Board Member Harris and **SECONDED** by Board Member DeLeonardis to adjourn the meeting at 12:50 p.m. **MOTION CARRIED.**